



---

# NATIONAL ASSEMBLY OF QUÉBEC

---

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 61  
(2024, chapter 40)

**An Act enacting the Act respecting  
Mobilité Infra Québec and amending  
certain provisions relating to shared  
transportation**

---

**Introduced 9 May 2024  
Passed in principle 26 September 2024  
Passed 4 December 2024  
Assented to 5 December 2024**

---

**Québec Official Publisher  
2024**

## EXPLANATORY NOTES

*This Act establishes Mobilité Infra Québec, whose mission is, when entrusted with that responsibility by the Government, to conduct opportunity analyses for complex transportation projects and to plan and carry out such projects. Mobilité Infra Québec may also conduct analyses in matters of transportation at the request of the minister responsible for transport and sustainable mobility and carry out any other mandate entrusted to it by the Government.*

*The Act determines the rules for the organization and operation of Mobilité Infra Québec and specifies that it is governed by the Act respecting the governance of state-owned enterprises.*

*Among other things, the Act allows Mobilité Infra Québec to acquire, by expropriation, the immovable it considers necessary to pursue its mission on its behalf or on behalf of the Government, a local municipality, a public transit authority, the Réseau de transport métropolitain or the Autorité régionale de transport métropolitain. Under the Act and unless the Government decides otherwise, only Mobilité Infra Québec has jurisdiction over a complex transportation project the planning or carrying out of which was entrusted to it by the Government.*

*The Act provides that the employees of Mobilité Infra Québec are appointed according to the staffing plan established by Mobilité Infra Québec and determines the bargaining units applicable under the union representation system. The Act establishes the financial provisions applicable to Mobilité Infra Québec and prescribes the accounts and reports it must produce.*

*The Act respecting the Ministère des Transports is amended to provide that an agreement is to be entered into with the Minister, a municipality or another body concerning the amount of financial contribution for a complex transportation project. Furthermore, complex transportation projects or mandates under the responsibility of Mobilité Infra Québec may be financed by the Land Transportation Network Fund.*

*The Municipal Code of Québec and the Cities and Towns Act are amended to provide for the simplification of a municipality's loan by-law process with respect to the financing of a complex transportation project.*

*The Public Infrastructure Act is also amended so that transport infrastructure projects come under the management and control of the minister responsible for transport and sustainable mobility. That minister and a public body are required to work with the Société québécoise des infrastructures when a transport infrastructure project mainly concerns a building. For projects under Mobilité Infra Québec's responsibility, the Minister and the public body are required to work with the Société québécoise des infrastructures only when the Government so determines.*

*The Act makes various amendments to the Act respecting the Autorité régionale de transport métropolitain, the Act respecting the Réseau de transport métropolitain and the Act respecting public transit authorities, in particular to provide that the bodies may, with the Government's authorization and on the conditions determined by the latter, take part in the carrying out of a project to build an immovable property and to prescribe various rules governing their participation. Under the Act, Mobilité Infra Québec may act in the place and stead of a public body determined by the Government for the carrying out of a project to build an immovable property as part of a complex transportation project.*

*The Act amends the Act respecting the Réseau structurant de transport en commun de la Ville de Québec, in particular to specify the scope of the Réseau structurant de transport en commun de la Ville de Québec and to entrust the carrying out of that project to Ville de Québec, CDPQ Infra inc. and the minister responsible for transport and sustainable mobility. The Act also provides that the rules governing the tendering processes and the performance of CDPQ Infra inc.'s contracts are those that are applicable in relation to the responsibilities entrusted to CDPQ Infra inc., despite any inconsistent provision.*

*Lastly, the Act makes consequential amendments and contains transitional and final provisions.*

#### **LEGISLATION ENACTED BY THIS ACT:**

- Act respecting Mobilité Infra Québec (2024, chapter 40, section 1).

## **LEGISLATION AMENDED BY THIS ACT:**

- Financial Administration Act (chapter A-6.001);
- Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3);
- Railway Act (chapter C-14.1);
- Cities and Towns Act (chapter C-19);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting contracting by public bodies (chapter C-65.1);
- Act respecting expropriation (chapter E-25);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting the governance of state-owned enterprises (chapter G-1.02);
- Public Infrastructure Act (chapter I-8.3);
- Act respecting the Ministère des Transports (chapter M-28);
- Public Protector Act (chapter P-32);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Act respecting the Réseau de transport métropolitain (chapter R-25.01);
- Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03);
- Act to ensure safety in guided land transport (chapter S-3.3);
- Act respecting public transit authorities (chapter S-30.01).

# **Bill 61**

## **AN ACT ENACTING THE ACT RESPECTING MOBILITÉ INFRA QUÉBEC AND AMENDING CERTAIN PROVISIONS RELATING TO SHARED TRANSPORTATION**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### **CHAPTER I**

#### **ENACTMENT OF THE ACT RESPECTING MOBILITÉ INFRA QUÉBEC**

**1.** The Act respecting Mobilité Infra Québec, the text of which appears in this chapter, is enacted.

“ACT RESPECTING MOBILITÉ INFRA QUÉBEC

#### **“CHAPTER I**

#### **“ESTABLISHMENT**

**“1.** “Mobilité Infra Québec” is established.

Mobilité Infra Québec may, with the Minister’s approval, choose to refer to itself by another name or by an acronym by sending a copy of the decision to that effect to the enterprise registrar.

**“2.** Mobilité Infra Québec is a legal person and a mandatary of the State.

The property of Mobilité Infra Québec forms part of the domain of the State, but the performance of its obligations may be levied against its property.

Mobilité Infra Québec binds none but itself when it acts in its own name.

**“3.** The head office of Mobilité Infra Québec is in the city of Québec, at the place Mobilité Infra Québec determines.

Mobilité Infra Québec publishes a notice of the location or of any change in location of its head office in the *Gazette officielle du Québec*.

## “CHAPTER II

### “MISSION, FUNCTIONS AND GENERAL POWERS

“4. The main mission of Mobilité Infra Québec is to conduct opportunity analyses for complex transportation projects and to plan or carry out such projects, with a view to strengthening the State’s know-how and achieving quality, universal accessibility and sustainable mobility, when such responsibility is entrusted to it by the Government.

When entrusting a responsibility to Mobilité Infra Québec under the first paragraph, and in order to promote the development of the spaces near the buildings or civil engineering structures of a complex transportation project, the Government may allow Mobilité Infra Québec to

(1) sell an immovable or part of an immovable that Mobilité Infra Québec no longer intends to use and that was acquired for the project; or

(2) lay out an immovable or a civil engineering structure to support or accommodate a building or an underground structure that a third person could build, within the limits provided for by law;

(3) become a special partner within a limited partnership or a shareholder of a business corporation with a third person to carry out, in the place and stead of a public body it determines and within the limits set out in section 47, a project to build an immovable property adjacent to an immovable, or a part of an immovable, that is not necessary for a shared transportation infrastructure built, rebuilt or under repair as part of the complex transportation project.

The Government may determine the conditions governing the application of the first or second paragraph.

For the purposes of this Act, the objects of a complex transportation project entrusted to Mobilité Infra Québec under the first paragraph may include

(1) building, rebuilding or repairing immovables or civil engineering structures intended for transportation or useful for a transportation system; or

(2) developing or improving an intelligent transportation system.

A project referred to in subparagraph 1 of the fourth paragraph includes the acquisition of all the property required to operate a transportation system, such as rolling stock.

For the purposes of this Act, a complex transportation project is a project whose components, or combined and interdependent components, in particular the scope, calendar, integration of new technologies, stakeholders concerned, location, financing strategies, associated risks, or necessity to resort to leading-edge expertise, present a high level of intensity or variability.

**“5.** Mobilité Infra Québec also exercises the following functions:

(1) conducting analyses, entrusted to it by the Minister for remuneration, in matters of transportation, including mobility planning; and

(2) carrying out any other mandate entrusted to it by the Government.

**“6.** Unless the Government decides otherwise, only Mobilité Infra Québec has jurisdiction over a complex transportation project the planning or carrying out of which is entrusted to it under section 4.

**“7.** In carrying out its mission and functions, Mobilité Infra Québec may enter into an agreement with a department or body of the Government and with any person, association or partnership, any Indigenous nation represented by all the band councils of the communities forming the nation or any Indigenous community represented by, as applicable, its band council, its Cree village council, its northern village council or its Naskapi village council.

Likewise, Mobilité Infra Québec may, in accordance with the law, enter into an agreement with a government other than that of Québec, a department of such a government, an international organization or a body of such a government or organization.

**“8.** Mobilité Infra Québec may acquire, by mutual agreement or by expropriation, on its own behalf, on behalf of one of its subsidiaries or on behalf of the Government, a local municipality, a public transit authority, the Réseau de transport métropolitain or the Autorité régionale de transport métropolitain, any immovable it considers necessary in connection with the planning or carrying out of a complex transportation project that is entrusted to it under section 4.

However, no immovable or part of an immovable may be acquired if the immovable or part of an immovable is considered necessary solely for the purposes of the second paragraph of section 4.

**“9.** Any road under the Minister’s or a municipality’s management that is crossed or bordered by a shared transportation system on rails developed by Mobilité Infra Québec and any immovable under the Minister’s or a municipality’s authority that is deemed necessary by the Minister or municipality, as applicable, for the purposes of that shared transportation system, are subject, without indemnity, to a servitude affecting the site required for the construction, operation, alteration or extension of the system, from the making of an agreement specifying the terms and conditions of the servitude between Mobilité Infra Québec and, as applicable, the Minister or municipality.

Once the agreement has been entered into, the municipality, the Minister or Mobilité Infra Québec may publish the servitude in the land register. Mobilité Infra Québec is required to publish the servitude if

- (1) the management of the road devolves to the Minister or a municipality under the Act respecting roads (chapter V-9);
- (2) the road is permanently closed; or
- (3) the servient land is disposed of without having been included in a road's right of way.

The Minister or municipality, as applicable, must inform Mobilité Infra Québec without delay of a devolution, closure or disposition referred to in the second paragraph.

Registration of the servitude is obtained by filing a notice that describes the site of the servitude, states its terms and conditions and refers to this section.

In all cases, the servitude is extinguished with the dismantling of the shared transportation system on rails.

**“10.** Mobilité Infra Québec may, with the Government's authorization, acquire or establish any subsidiary whose object is limited to carrying on activities Mobilité Infra Québec can carry on.

A subsidiary has the same powers and obligations as Mobilité Infra Québec in carrying on its activities unless those powers and obligations are restricted by its constituting act. The subsidiary carries on its activities in accordance with the provisions of this Act that apply to it.

**“11.** For the purposes of this Act, a legal person or partnership controlled by Mobilité Infra Québec is a subsidiary of the latter.

A legal person is controlled by Mobilité Infra Québec when the latter holds, directly or through legal persons it controls, more than 50% of the voting rights attached to the equity securities of the legal person or is in a position to elect a majority of the legal person's directors.

A partnership is controlled by Mobilité Infra Québec when the latter holds, directly or through legal persons it controls, more than 50% of the shares. However, a limited partnership is controlled by Mobilité Infra Québec when the latter or a legal person it controls is the general partner of the partnership.

**“12.** Sections 2 and 49 apply, with the necessary modifications, to the subsidiaries of Mobilité Infra Québec.



The Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) applies to any subsidiary of Mobilité Infra Québec.

### **“CHAPTER III**

#### **“ORGANIZATION AND OPERATION**

**“13.** Mobilité Infra Québec is administered by a board of directors composed of a minimum of 9 and a maximum of 11 members, including the chair of the board and the president and chief executive officer, as well as the Deputy Minister of Transport, or the Deputy Minister’s representative, who is a member by virtue of office.

Among the board members, one is a member of the Ordre des ingénieurs du Québec.

**“14.** The following persons cannot be appointed to the board of directors:

- (1) persons not domiciled in Québec;
- (2) persons who have been found guilty of an offence listed in Schedule I to the Act respecting contracting by public bodies (chapter C-65.1), unless they obtained a pardon; and
- (3) persons against whom proceedings are brought for an offence listed in Schedule I to the Act respecting contracting by government bodies.

**“15.** The Government may appoint the number of vice-presidents it determines to assist the president and chief executive officer.

Vice-presidents are appointed for a term of up to five years that is renewable.

**“16.** The president and chief executive officer and the vice-presidents exercise the functions of office exclusively and on a full-time basis.

**“17.** If the president and chief executive officer is absent or unable to act, the board of directors may designate a vice-president to act in the place and stead of the president and chief executive officer for a period not exceeding 24 months.

**“18.** The Government determines the remuneration, employee benefits and other conditions of employment of the vice-presidents.

**“19.** In addition to the committees it must establish under the Act respecting the governance of state-owned enterprises (chapter G-1.02), the board of directors must establish a committee for the management of portfolios of complex transportation projects whose functions include

(1) following up on the activities of the various project management offices; and

(2) managing the portfolio of the projects to optimize their management.

**“20.** Mobilité Infra Québec adopts by-laws for the conduct of its affairs.

Mobilité Infra Québec’s by-laws are posted on its website not later than 30 days after they are adopted by the board of directors.

**“21.** The quorum at meetings of the board of directors is the majority of its members, including the chair of the board or the president and chief executive officer.

Decisions of the board are made by a majority vote of the members present.

**“22.** Any vacancy among board members is filled in accordance with the rules of appointment to the board.

A member’s absence from a number of board meetings determined by Mobilité Infra Québec’s by-laws, in the cases and circumstances set out in those by-laws, constitutes a vacancy.

**“23.** The minutes of board meetings are authentic when approved by the board and certified by the chair of the board, the president and chief executive officer or any other person authorized to do so under Mobilité Infra Québec’s by-laws.

The same applies to the documents and copies of documents emanating from Mobilité Infra Québec or forming part of its records, provided they are so certified.

**“24.** No document binds Mobilité Infra Québec or may be attributed to it unless the document is signed by the chair of the board, the president and chief executive officer or by a member of Mobilité Infra Québec’s personnel but, in the latter case, only to the extent determined in Mobilité Infra Québec’s by-laws.

## **“CHAPTER IV**

### **“COMPLEX TRANSPORTATION PROJECTS AND MOBILITY PLANNING**

#### **“DIVISION I**

#### **“PLANNING AND CARRYING OUT COMPLEX TRANSPORTATION PROJECTS**

**“25.** Mobilité Infra Québec performs all the acts and exercises all the rights of an owner with respect to property concerned by the planning or carrying out of a complex transportation project entrusted to it under section 4, even if it is not the owner. For those purposes, it is vested with the necessary powers and assumes the resulting obligations.

The property referred to in the first paragraph means any property forming part of the domain of the State or belonging to a local municipality, a public transit authority, the Réseau de transport métropolitain or the Autorité régionale de transport métropolitain.

**“26.** Despite section 25, Mobilité Infra Québec is not responsible for the maintenance of property concerned by the planning or carrying out of a complex transportation project entrusted to it under section 4, such as roadways, sidewalks, railings, roads or multi-purpose paths, for as long as such property may be used by users. That responsibility remains with the persons determined by law.

The operator of a shared transportation system concerned by the planning or carrying out of a project is responsible for the system’s maintenance and operation for as long as the service provided by that system is offered to users.

Mobilité Infra Québec may reach an agreement with the persons in charge or with the operator to otherwise provide for the maintenance of property or for the operation of a shared transportation system.

**“27.** Property built or rebuilt by Mobilité Infra Québec is owned,

(1) in the case of a road, by the local municipality in whose territory the road is situated; or

(2) in the case of property useful for a shared transportation system, by the public transit authority having jurisdiction in the territory of the municipality in which the property is situated, by the Réseau de transport métropolitain or by the Autorité régionale de transport métropolitain.

Despite the first paragraph, the Government may determine that built or rebuilt property is owned by the Government or by any other person it determines.

**“28.** Mobilité Infra Québec ceases to perform the acts and exercise the rights of an owner with respect to property referred to in section 25 as of the publication of a notice on its website. The notice must be sent to the owner of the property at least 15 days before it is published.

**“29.** Mobilité Infra Québec must, with respect to the planning or carrying out of a complex transportation project entrusted to it under section 4, take into account the costs arising from the operation and maintenance of the transportation system, the infrastructure or a property useful for the operation of the transportation system.

## **“DIVISION II**

### **“MOBILITY PLANNING**

**“30.** When carrying out mobility planning under paragraph 1 of section 5 in keeping with the principles of sustainable mobility and carbon footprint reduction, and taking into account the instructions provided by the Minister, Mobilité Infra Québec may plan the coordination of the various transportation services and the maintenance, improvement and replacement of transportation equipment and infrastructures.

In particular, Mobilité Infra Québec must consult with the Minister of Municipal Affairs, Regions and Land Occupancy, the metropolitan communities, regional county municipalities, local municipalities, public transit authorities, the Réseau de transport métropolitain and the Autorité régionale de transport métropolitain, to the extent that mobility planning concerns them, to determine land use planning and development needs.

## **“DIVISION III**

### **“WORK ON MUNICIPAL PUBLIC ROADS**

**“31.** For the purposes of this chapter, a local municipality or regional county municipality that has jurisdiction over a public road within the meaning of the Municipal Powers Act (chapter C-47.1) and that is affected by the planning or carrying out of a complex transportation project entrusted to Mobilité Infra Québec under section 4 is a municipality concerned.

**“32.** For the purpose of planning or carrying out a complex transportation project, Mobilité Infra Québec and a municipality concerned may provide for the following elements in an agreement:

(1) the temporary occupation of public roads during construction, reconstruction or repair work for the project;

(2) the modification of public roads;

(3) the reconfiguration of public roads in the vicinity of the work for the project due to a modification referred to in subparagraph 2; and

(4) the documents they must give each other.

Mobilité Infra Québec must send to the Minister, without delay, a copy of the agreement. The Minister may identify the measures Mobilité Infra Québec or the municipality concerned is required to implement to foster traffic mobility on the road network under the Minister's management.

**“33.** In the case of local municipalities concerned whose territory is included in the territory of an urban agglomeration, the making of an agreement under section 32 is a matter that concerns all the related municipalities within the meaning of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001).

Such an agreement applies with respect to public roads under the jurisdiction of the council of a related municipality of the urban agglomeration and of a borough council.

The central municipality sends, without delay, a copy of the agreement to the councils of the related municipalities and borough councils concerned.

**“34.** If no agreement is entered into in accordance with section 32, Mobilité Infra Québec must, before intervening on a public road, send the municipality concerned a notice specifying the public roads that will be occupied temporarily, the expected duration of the occupation and any projected modifications to and reconfigurations of such roads. If dangerous substances are likely to be transported or stored on the occupied roads, the notice must list those substances.

Within 30 days after the date of receipt of the notice by the municipality concerned, Mobilité Infra Québec must also send the municipality the following documents:

(1) a description of the projected intervention;

(2) the survey plans, without a technical description, describing the public roads that will be occupied;

(3) the plan for managing traffic during the work;

(4) the work calendar;

(5) a list of safety measures to be implemented during the work;

(6) a list of measures to mitigate the inconvenience resulting from the occupation of the public roads and from the work that will be carried out on those roads; and

(7) a document describing the condition of the public roads before their occupation.

**“35.** Mobilité Infra Québec sends the Minister, without delay, a copy of the notice sent under the first paragraph of section 34. The Minister may identify the measures Mobilité Infra Québec or the municipality concerned is required to implement to foster traffic mobility on the road network under the Minister’s management.

**“36.** Mobilité Infra Québec publishes on its website any information that is relevant for the public, in particular information concerning the occupation of public roads that must be modified or reconfigured and traffic management, as a result of an agreement entered into under section 32 and a notice sent under section 34, within 30 days after the agreement is entered into or the notice is sent.

**“37.** Within 30 days after receiving the notice provided for in the first paragraph of section 34, the municipality concerned must send Mobilité Infra Québec a copy of the plans it has in its possession of the public roads that will be occupied and of the other documents it holds concerning those roads, in particular with respect to their condition.

**“38.** In the absence of an agreement between Mobilité Infra Québec and the municipality concerned within 60 days after the municipality receives the notice provided for in the first paragraph of section 34, Mobilité Infra Québec may start occupying the public roads and, if applicable, commence the work specified in that notice, in accordance with the documents sent to the municipality concerned, without having to pay the municipality an amount of money or any other consideration.

Mobilité Infra Québec and a municipality concerned may agree on a time limit that differs from the one set out in the first paragraph.

**“39.** When Mobilité Infra Québec modifies or reconfigures public roads, it must maintain the overall functionality of the network to which those public roads are connected, including the network of any bordering local municipality.

In addition, the modifications and reconfigurations must be designed and made so as to enable the integration of those roads into the various networks.

**“40.** As work is carried out by Mobilité Infra Québec on a public road or portion of a public road, Mobilité Infra Québec is required to inform the municipality concerned of the projected dates for completion of the work and for acceptance of the works. Before accepting the works, it must allow the municipality to inspect them and grant the municipality a reasonable time limit to do so, which may not be less than 15 days from the completion date of the work unless they agree on a different time limit.

Inspection by the municipality concerned does not entail, for the municipality, any liability with respect to acceptance of the works and does not diminish the related warranties.

**“41.** Mobilité Infra Québec must, not later than 15 days before the completion date of the work, submit to the municipality concerned a final plan for managing traffic on the public road or portion of public road.

**“42.** Within 30 days after acceptance of the works, Mobilité Infra Québec must

(1) cease the temporary occupation of the public road or portion of public road;

(2) restore any public road or portion of public road that was not modified or reconfigured to a condition equivalent to the condition in which it was before being occupied;

(3) transfer to the municipality concerned the legal and conventional warranties relating to work carried out on immovables whose ownership was transferred to the municipality or that are under the municipality’s management, and provide a guarantee that the quality of the soils of the new public road or portion of public road is suitable for the use that will be made of it; and

(4) transfer to the municipality the intellectual property rights for the plans and specifications to allow it to maintain and repair the immovables whose ownership was transferred to it, including the right to modify those plans and specifications as it sees fit.

**“43.** Within six months following the date of completion of the work on a public road, Mobilité Infra Québec must send the municipality concerned a certified copy of

(1) the final plans for the works Mobilité Infra Québec has built;

(2) a certificate issued by an engineer attesting the conformity of the public road and other works which, after completion of the work, are owned by the municipality or under its management; and

(3) the documents relating to the condition of the immovables and to the design and construction of works, such as worksite logs.

**“44.** Sections 39 to 43 apply, with the necessary modifications, to waterworks, sewer systems or networks of underground conduits and to overhead networks, where those waterworks, systems and networks are owned by a municipality.

For the purpose of planning or carrying out a project, Mobilité Infra Québec may exercise all the servitudes established in favour of the municipality concerned which allow it to maintain or have access to those waterworks, systems and networks when they are located under the surface of immovables neighbouring the municipality’s immovables.

**“45.** The provisions of this division do not allow Mobilité Infra Québec to alter equipment belonging to a public utility, other than a municipal utility, without obtaining the utility’s consent.

#### **“DIVISION IV**

##### **“POWERS RELATING TO THE CONSTRUCTION OF AN IMMOVABLE PROPERTY AS PART OF A COMPLEX TRANSPORTATION PROJECT**

**“46.** The costs and risks related to the sale of an immovable or the laying out of an immovable or civil engineering structure under subparagraphs 1 and 2 of the second paragraph of section 4 must not be borne by Mobilité Infra Québec.

Any financial consideration related to the sale of an immovable referred to in the first paragraph or of a part of it must be used to finance the complex transportation project for which the immovable was acquired.

**“47.** For the purposes of subparagraph 3 of the second paragraph of section 4, Mobilité Infra Québec may act in the place and stead of a public body empowered to become a special partner within a limited partnership or a shareholder of a business corporation with a third person for the carrying out of a project to build an immovable property. Mobilité Infra Québec is subject to the provisions applicable to that project and provided for by the public body’s constituting Act.

Where Mobilité Infra Québec acts in the place and stead of a public body under the first paragraph, it is deemed to be a mandatary of that body.

**“48.** Division I of this chapter does not apply to the construction of an immovable property under subparagraph 3 of the second paragraph of section 4.

#### **“CHAPTER V**

##### **“HUMAN RESOURCES**

#### **“DIVISION I**

##### **“GENERAL PROVISIONS**

**“49.** The employees of Mobilité Infra Québec are appointed in accordance with the staffing plan it establishes.

Subject to the provisions of a collective agreement, Mobilité Infra Québec determines the standards and scales of remuneration, employee benefits and other conditions of employment of its employees in accordance with the conditions determined by the Government.



**“50.** If an employee of Mobilité Infra Québec is sued by a third person for an act or omission in the exercise of the employee’s functions, Mobilité Infra Québec will take up the employee’s defence unless the employee has committed a gross fault.

**“51.** In no case may an employee of Mobilité Infra Québec, on pain of forfeiture of office, have a direct or indirect interest in any undertaking that causes the employee’s personal interest to conflict with the employee’s duties of office.

Where such an interest devolves to an employee by succession or gift, it must be renounced or disposed of with all possible dispatch.

**“52.** No employee of Mobilité Infra Québec may, without the express and written permission of the president and chief executive officer, engage in gainful work or hold employment or a remunerated office that is not part of the employee’s functions within Mobilité Infra Québec.

Permission may be given if it is established that such work, employment or office is not likely to entail a conflict of interest between the employee’s personal interest and the employee’s functions within Mobilité Infra Québec.

## **“DIVISION II**

### **“UNION REPRESENTATION SYSTEM**

**“53.** The only bargaining units that may be constituted for the Mobilité Infra Québec employees within the meaning of the Labour Code (chapter C-27) must be constituted according to the following classes of personnel:

(1) class of engineers comprising the employees who are members of the Ordre des ingénieurs du Québec and the persons admitted to the study of that profession;

(2) class of architects comprising the employees who are members of the Ordre des architectes du Québec and the persons admitted to the study of that profession;

(3) class of lawyers and notaries comprising the employees who are members of the Barreau du Québec or of the Ordre des notaires du Québec and the persons admitted to the study of those professions;

(4) class of chartered appraisers comprising the employees who are members of the Ordre des évaluateurs agréés du Québec and the persons admitted to the study of that profession;

(5) class of professionals comprising the employees who are not included in the classes described in paragraphs 1 to 4, who carry out work of a professional nature and whose job requires a university-level diploma; and

(6) class of technicians, office personnel and workmen comprising the employees who are not included in the classes described in paragraphs 1 to 5.

**“54.** No bargaining unit may include more than one class of personnel provided for in section 53.

Only one association of employees may be certified to represent, within Mobilité Infra Québec, the employees of a bargaining unit and only one collective agreement may be applicable to all the employees in that bargaining unit.

Subject to section 53 and the first and second paragraphs of this section, the Labour Code (chapter C-27) applies to Mobilité Infra Québec and to the associations of employees representing its personnel.

**“55.** The Administrative Labour Tribunal decides all disputes respecting the exclusion or inclusion of a Mobilité Infra Québec employee or of a group of such employees from or in any of the classes of personnel provided for in section 53 and has the power to revoke the certification and grant another on the conditions provided for in the Labour Code (chapter C-27).

When seized of a petition, the Tribunal may, for the purposes of the decision it is to render, rule on any question relating to the application of this division and the Labour Code.

## **“CHAPTER VI**

### **“FINANCIAL PROVISIONS**

**“56.** Mobilité Infra Québec may not, without the authorization of the Government,

(1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government;

(2) make a financial commitment in excess of the limits or contrary to the terms determined by the Government;

(3) acquire or hold equity securities of a legal person or shares of a partnership in excess of the limits or contrary to the terms determined by the Government;

(4) dispose of equity securities of a legal person or of shares of a partnership in excess of the limits or contrary to the terms determined by the Government;

(5) acquire or dispose of other assets in excess of the limits or contrary to the terms determined by the Government; or

(6) accept a gift or legacy to which a charge or condition is attached.

Subparagraph 5 of the first paragraph does not apply to assets acquired under section 8.

This section applies to subsidiaries of Mobilité Infra Québec. However, it does not apply to transactions between Mobilité Infra Québec and its subsidiaries or between the subsidiaries.

**“57.** The Government may, on the conditions and according to the terms it determines,

(1) guarantee payment of the principal of and interest on any loan contracted by Mobilité Infra Québec or one of its subsidiaries and the performance of its obligations; and

(2) authorize the Minister of Finance to advance to Mobilité Infra Québec or one of its subsidiaries any amount the Minister considers necessary for the pursuit of its mission.

The sums required for the purposes of this section are taken out of the Consolidated Revenue Fund.

## **“CHAPTER VII**

### **“ACCOUNTS AND REPORTS**

**“58.** The fiscal year of Mobilité Infra Québec ends on 31 March each year.

**“59.** Not later than 30 September each year, Mobilité Infra Québec must file its financial statements and an annual management report for the preceding fiscal year with the Minister.

The financial statements and the annual management report must include all the information required by the Minister regarding Mobilité Infra Québec and its subsidiaries.

**“60.** The Minister tables the financial statements and the annual management report of Mobilité Infra Québec in the National Assembly within 30 days of their receipt or, if the Assembly is not sitting, within 30 days of resumption.

**“61.** The Auditor General audits the books and accounts of Mobilité Infra Québec each year and whenever so ordered by the Government.

The Auditor General’s report must accompany the annual management report and financial statements of Mobilité Infra Québec.

**“62.** Mobilité Infra Québec must also communicate to the Minister any information the Minister requires on it or its subsidiaries.

## **“CHAPTER VIII**

### **“MISCELLANEOUS PROVISIONS**

**“63.** With respect to the planning or carrying out of a complex transportation project entrusted to Mobilité Infra Québec under section 4, the Government may determine time limits other than those prescribed in sections 152 to 154 of the Act respecting land use planning and development (chapter A-19.1).

**“64.** When a responsibility is entrusted to Mobilité Infra Québec in relation to a complex transportation project under section 4 or when a function is entrusted to it under section 5, the body that was responsible for the project or that was exercising the function must provide Mobilité Infra Québec with all the information it holds in relation to the project or function.

**“65.** Despite any inconsistent provision, when a responsibility is entrusted to Mobilité Infra Québec in relation to a complex transportation project under section 4 or when a function is entrusted to it under section 5, the expropriation procedures and proceedings begun by the body that was responsible for the project or on behalf of that body are continued by that body.

Despite the first paragraph, the Government may determine that Mobilité Infra Québec becomes responsible for the expropriation procedures and proceedings, in which case the procedures are continued by Mobilité Infra Québec, subject to the following terms and conditions:

(1) where a notice of expropriation was served by the body, Mobilité Infra Québec replaces the body and so informs the divested party by sending a new information text established by the Minister in accordance with section 9 of the Act respecting expropriation (chapter E-25); the divested party may not object to that replacement;

(2) where procedures must be completed so that the notice of transfer of right is published within the time limits set out in section 26 of the Act respecting expropriation, the body that began the expropriation procedures must carry out those procedures, unless that body and Mobilité Infra Québec agree otherwise;

(3) where no indemnity has yet been paid in the course of the expropriation procedures and proceedings, the indemnity must be paid by the body, unless the latter and Mobilité Infra Québec agree otherwise;

(4) where a notice of transfer of right has been registered in the land register, the Government may determine that a body acquires the right concerned by the notice of transfer of right; Mobilité Infra Québec informs the divested party and publishes a document in the land register to that effect;

(5) the service contracts entered into by the body in connection with the expropriation procedures and proceedings are transferred to Mobilité Infra Québec as regards the expropriations for which it becomes responsible, unless the parties agree otherwise;

(6) the body that began the procedures must, as soon as possible, transmit to Mobilité Infra Québec the documents and information relating to the expropriation procedures and proceedings that it holds; and

(7) Mobilité Infra Québec becomes the expropriating party in any proceedings in progress.

The Government may provide for the transfer of the benefit of a reserve registered in favour of a body referred to in section 8 for which Mobilité Infra Québec may acquire an immovable.

**“66.** A call for tenders for a transportation project in progress at the time the responsibility for the project is entrusted to Mobilité Infra Québec under section 4 remains under the responsibility of the body that initiated the call for tenders until the contract is entered into.

If a request for qualifications is in progress, Mobilité Infra Québec is responsible for the tender process following the qualification process.

However, Mobilité Infra Québec may cancel or suspend any tender or qualification process in progress.

**“67.** As soon as a responsibility is entrusted to Mobilité Infra Québec in relation to a complex transportation project under section 4 or a function is entrusted to it under section 5, Mobilité Infra Québec replaces the client in the contracts that concern the project, except as determined by the Government. In such a case, the initial client is discharged of its obligations for the future.

Mobilité Infra Québec retains a remedy against the initial client for any failure to fulfil its obligations.

Similarly, Mobilité Infra Québec becomes a party to the existing contracts that do not qualify as service, construction or partnership contracts within the meaning of the Act respecting contracting by public bodies (chapter C-65.1) and that concern a complex transportation project, unless the Government decides otherwise when entrusting a responsibility or function to Mobilité Infra Québec. The parties to those contracts and Mobilité Infra Québec must agree on the terms governing the application of those contracts arising from the responsibility or function entrusted to Mobilité Infra Québec.

**“68.** Where the planning or carrying out of a complex transportation project is entrusted to Mobilité Infra Québec under section 4, the authorizations issued under the Environment Quality Act (chapter Q-2) for that project are transferred by operation of law to Mobilité Infra Québec.

The application of the first paragraph is equivalent to a transfer of authorization completed under section 31.0.2 of the Environment Quality Act and, as applicable, section 31.7.5 of that Act, and produces the same effects.

All the processes related to obtaining an authorization referred to in the first paragraph are maintained and Mobilité Infra Québec replaces the initial applicant by operation of law.

The initial applicant may not take part in judicial proceedings for any claims relating to expenses incurred in order to obtain the authorizations transferred under this section.

**“69.** A local municipality, a public transit authority, the Réseau de transport métropolitain or the Autorité régionale de transport métropolitain may not alienate property acquired or built by Mobilité Infra Québec without the Minister’s authorization if the property has a value of more than \$25,000.

The Minister’s authorization referred to in the first paragraph must specify who, between the body referred to in the first paragraph and the Minister, owns the proceeds from the sale. Where the proceeds belong to the Minister, they are paid into the Consolidated Revenue Fund and credited to the Land Transportation Network Fund established under paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28).

## **“CHAPTER IX**

### **“AMENDING PROVISIONS**

#### **“FINANCIAL ADMINISTRATION ACT**

**“70.** Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended by inserting “Mobilité Infra Québec” in alphabetical order.

#### **“RAILWAY ACT**

**“71.** Section 1 of the Railway Act (chapter C-14.1) is amended by inserting “, or to Mobilité Infra Québec where the planning or carrying out of a complex transportation project involving a shared transportation system on rails is entrusted to it under section 4 of the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1)” at the end of the second paragraph.

#### **“CITIES AND TOWNS ACT**

**“72.** Section 556.1 of the Cities and Towns Act (chapter C-19) is amended by adding the following paragraph at the end:

“(3) the payment of a financial contribution for a complex shared transportation project established in accordance with section 12.21.11 of the Act respecting the Ministère des Transports (chapter M-28).”

## “MUNICIPAL CODE OF QUÉBEC

**“73.** Article 1061.0.1 of the Municipal Code of Québec (chapter C-27.1) is amended by adding the following paragraph at the end:

“(3) the payment of a financial contribution for a complex shared transportation project established in accordance with section 12.21.11 of the Act respecting the Ministère des Transports (chapter M-28).”

## “ACT RESPECTING CONTRACTING BY PUBLIC BODIES

**“74.** Section 18 of the Act respecting contracting by public bodies (chapter C-65.1), amended by section 4 of chapter 28 of the statutes of 2024, is again amended by inserting “Mobilité Infra Québec,” after “by the Minister of Transport,” in the first paragraph.

## “ACT RESPECTING EXPROPRIATION

**“75.** Section 4 of the Act respecting expropriation (chapter E-25) is amended by replacing “or a school board” in subparagraph 3 of the second paragraph by “, a school board or Mobilité Infra Québec”.

## “ACT RESPECTING MUNICIPAL TAXATION

**“76.** Section 204 of the Act respecting municipal taxation (chapter F-2.1), amended by section 1028 of chapter 34 of the statutes of 2023, is again amended by inserting the following paragraph after paragraph 1.1:

“(1.2) an immovable included in a unit of assessment entered on the roll in the name of Mobilité Infra Québec;”.

**“77.** Section 236 of the Act, amended by section 1030 of chapter 34 of the statutes of 2023, is again amended by inserting “Mobilité Infra Québec,” after “Réseau de transport métropolitain,” in subparagraph *a* of paragraph 1.

## “ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

**“78.** Section 15 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) is amended by inserting “Mobilité Infra Québec,” after “Investissement Québec,” in paragraph 15.

**“79.** Schedule I to the Act is amended by inserting “Mobilité Infra Québec” in alphabetical order.

## “PUBLIC INFRASTRUCTURE ACT

**“30.** Section 31 of the Public Infrastructure Act (chapter I-8.3) is replaced by the following section:

**“31.** The Société manages and exercises control over any public infrastructure project considered major under section 16 of a public body other than a health and social service provider. However, in the case of a transport infrastructure, the Minister of Transport manages and exercises control over the project, whether it is the Minister’s project or the project of another public body. In that capacity, the Société or the Minister, as applicable, may carry out any call for tenders or enter into any contract arising from such a project.

Despite the first paragraph, the Conseil du trésor may authorize a public body to retain responsibility for and control over its project. In such a case, the public body must work with the Société or the Minister of Transport, as applicable, to comply with Divisions II and III of Chapter II and the resulting measures.

When the Minister of Transport manages and exercises control over a transport infrastructure project that mainly concerns a building, the Minister must work with the Société to comply with Divisions II and III of Chapter II and the resulting measures, unless exempted from this obligation by the Conseil du trésor. The same applies, despite the provisions of the second paragraph, to a public body that is authorized to retain responsibility for or the management of such a project.

A public body that is required to work with the Société or the Minister of Transport under this section may also work with the Société or the Minister to monitor and manage contracts arising from the public infrastructure project and for any other operation related to the project on which the public body and the Société or the Minister have agreed.

For the purposes of this Act, a transport infrastructure is a civil engineering structure or an immovable used for transportation by land, air or water.”

**“31.** The Act is amended by inserting the following section after section 31:

**“31.1.** Despite section 31, when the planning or carrying out of a transport infrastructure project is entrusted to Mobilité Infra Québec under the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1), Mobilité Infra Québec manages and exercises control over the infrastructure project.

When the Government so determines and on the conditions it determines, Mobilité Infra Québec must work with the Société to comply with Divisions II and III of Chapter II and the resulting measures when the project mainly concerns a building.”



## “ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

“**82.** Section 11.6 of the Act respecting the Ministère des Transports (chapter M-28) is amended by inserting the following paragraph after the first paragraph:

“The Minister may require Mobilité Infra Québec to include a similar stipulation for the benefit of such small enterprises in any contracts it awards in connection with the planning or carrying out of a complex transportation project entrusted to it under section 4 of the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1).”

“**83.** Section 12.21.10 of the Act is replaced by the following section:

“**12.21.10.** This chapter does not apply to

(1) a shared transportation infrastructure project that is the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12);

(2) a shared transportation infrastructure project subject to the Public Infrastructure Act (chapter I-8.3); or

(3) a project entrusted to Mobilité Infra Québec under section 4 of the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1).”

“**84.** The Act is amended by inserting the following chapter after section 12.21.10:

### “CHAPTER I.3

#### “FINANCIAL CONTRIBUTION FOR COMPLEX TRANSPORTATION PROJECTS UNDER THE RESPONSIBILITY OF MOBILITÉ INFRA QUÉBEC

“**12.21.11.** Where a responsibility is entrusted to Mobilité Infra Québec in relation to a complex shared transportation project under section 4 of the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1), the Minister must come to an agreement with the local municipalities, the public transit authorities, the Réseau de transport métropolitain or the Autorité régionale de transport métropolitain, when they are concerned by the project, on the amount of their financial contribution.

“**12.21.12.** The responsibility relating to the operation of a shared transportation system in connection with a complex shared transportation project entrusted to Mobilité Infra Québec must be the subject of an agreement between the Minister and, as applicable, a local municipality, a public transit authority, the Réseau de transport métropolitain, the Autorité régionale de transport métropolitain or any other body.

Failing agreement, the Government determines the operator from among the bodies referred to in the first paragraph.

The financial responsibility for the operation of a shared transportation system is under the responsibility of the operator agreed to under the first paragraph or determined under the second paragraph.”

**“85.** Section 12.30 of the Act is amended by inserting the following subparagraph after subparagraph *e* of paragraph 1:

“(e.1) responsibilities or functions entrusted to Mobilité Infra Québec under the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1);”.

**“86.** Section 12.32.1 of the Act is amended by replacing “, *c, d, e*” in the sixth paragraph by “to *e.1*”.

#### “ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

**“87.** Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2), amended by section 1213 of chapter 34 of the statutes of 2023, is again amended by inserting “—Mobilité Infra Québec” in alphabetical order.

#### “ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

**“88.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), amended by section 1220 of chapter 34 of the statutes of 2023, is again amended by inserting “Mobilité Infra Québec” in alphabetical order in paragraph 1.

#### “ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

**“89.** Section 1 of Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), amended by section 1226 of chapter 34 of the statutes of 2023, is again amended by inserting “Mobilité Infra Québec” in alphabetical order in paragraph 1.

#### “ACT TO ENSURE SAFETY IN GUIDED LAND TRANSPORT

**“90.** Section 4 of the Act to ensure safety in guided land transport (chapter S-3.3) is replaced by the following section:

**“4.** This division does not apply to construction work concerning

(1) the metro operated under the Act respecting public transit authorities (chapter S-30.01);

(2) the Network project carried out under the Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03) or construction work carried out during the operation of that Network; or

(3) a complex shared transportation project on rails, in particular a metro, tramway, train or high-speed train, carried out by Mobilité Infra Québec under the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1).

Neither does it apply to the construction of any guided land transport works comprising no level crossing or junction and extending over less than two kilometres.

Despite subparagraph 2 of the first paragraph, on completion of all construction work and before permitting the operation of the works, the body responsible for carrying out the Network or the operator, as applicable, shall transmit to the Minister a declaration by the engineer in charge of the work to the effect that he is satisfied that the construction work has been carried out in accordance with recognized engineering standards.

Despite the first paragraph, the inspection and inquiry powers provided for in Chapter V apply in matters of rail safety during the construction work and the testing phases prior to the official putting into operation of the works.”

## “CHAPTER X

### “TRANSITIONAL AND FINAL PROVISIONS

“**91.** The provisions of sections 3.1 and 3.3 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) relating to the expertise and experience profiles of the members of the board of directors, to the board’s recommendation and to the expertise and experience profile of the president and chief executive officer to be appointed do not apply when the first president and chief executive officer and the first members of the board of directors of Mobilité Infra Québec are appointed. However, when appointing them, the Government must ensure that they collectively have suitable expertise and experience in the following fields:

- (1) governance of projects and management of project portfolios;
- (2) project management;
- (3) financial management;
- (4) human resources management, labour relations and organizational development;
- (5) ethics and governance;
- (6) sustainable mobility and the fight against climate change;

(7) land use planning; and

(8) universal accessibility.

**“92.** The standards of ethics and discipline prescribed by the Public Service Act (chapter F-3.1.1) and the Regulation respecting ethics and discipline in the public service (chapter F-3.1.1, r. 3) apply to the employees of Mobilité Infra Québec until its board of directors approves a code of ethics applicable to them.

**“93.** The Ministère des Transports’ policies, directives, standards and rules applicable to Mobilité Infra Québec become, with the necessary modifications, those of Mobilité Infra Québec until they are replaced, amended or repealed by Mobilité Infra Québec.

The records and other documents of the Ministère des Transports related to the mission and functions entrusted to Mobilité Infra Québec become those of Mobilité Infra Québec.

**“94.** The Deputy Minister of Transport may, until the date preceding the date Mobilité Infra Québec’s first president and chief executive officer takes office and on behalf of Mobilité Infra Québec, enter into any contract the Deputy Minister considers necessary to ensure the establishment of Mobilité Infra Québec and promote the smooth conduct of its activities and operations. For those purposes, the Deputy Minister may make any necessary financial commitment in the amount and for the duration the Deputy Minister considers appropriate.

However, as regards human resources, the Deputy Minister may not recruit Mobilité Infra Québec employees.

**“95.** The Minister may form a transition committee composed of five members to facilitate the implementation of this Act. The committee gives, in particular, opinions on any matter the Minister submits to it.

The Deputy Minister of Transport is a member of the committee by virtue of office.

**“96.** Subject to the conditions of employment applicable to them, the employees of the Ministère des Transports who are identified by the Deputy Minister, with the approval of the president and chief executive officer of Mobilité Infra Québec and not later than one year following the date of coming into force of section 1, become employees of Mobilité Infra Québec from the date or dates agreed on by the Deputy Minister and the president and chief executive officer.

**“97.** Any employee transferred to Mobilité Infra Québec under section 96 who, on the date of the transfer, was a public servant with permanent tenure may apply for a position in the public service offered as a transfer or take part in a promotion selection process for such a position in accordance with the Public Service Act (chapter F-3.1.1).

The same applies in the case of an employee transferred to Mobilité Infra Québec who, on the date of the transfer, was a public servant who had not acquired permanent tenure, other than a casual employee.

**“98.** An employee referred to in section 97 who files an application for a position in the public service offered as a transfer or for a promotion selection process may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into account the classification the employee had in the public service on the date of the employee’s transfer as well as the years of experience and level of schooling attained while in the employ of Mobilité Infra Québec.

However, before being entitled to file an application for a position in the public service offered as a transfer, the employee referred to in the second paragraph of section 97 who had not completed the probationary period required under section 13 of the Public Service Act (chapter F-3.1.1) before being transferred to Mobilité Infra Québec must have successfully completed the remainder of the probationary period within Mobilité Infra Québec.

If an employee is selected to hold the position in the public service offered as a transfer following the application of section 97, the deputy minister or the chief executive officer of the body establishes the employee’s classification in keeping with the assessment provided for in the first paragraph.

However, an employee referred to in the second paragraph of section 97 who, at the time of the employee’s transfer to Mobilité Infra Québec, had not completed the period of continuous employment required for the purposes of section 14 of the Public Service Act to acquire permanent tenure and who, at the time of the transfer to a position in the public service, still has not completed the equivalent of that period when adding the time served in the public service before transferring to Mobilité Infra Québec and the time served as a Mobilité Infra Québec employee must, before acquiring permanent tenure, complete the remainder of that period from the day a classification is established for the employee.

If an employee obtains a position in the public service after taking part in a promotion selection process under section 97, the employee’s classification must take into account the criteria set out in the first paragraph.

**“99.** If some or all of Mobilité Infra Québec’s activities are discontinued, an employee referred to in section 97 who had permanent tenure at the time of the employee’s transfer is entitled to be placed on reserve in the public service with the same classification the employee had on the date of the transfer.

An employee referred to in the second paragraph of section 97 is entitled to be placed on reserve in the public service only if, at the time some or all of Mobilité Infra Québec's activities are discontinued, the time accumulated in the public service before the employee's transfer to Mobilité Infra Québec and the time accumulated as a Mobilité Infra Québec employee is at least equivalent to the continuous period of employment required under section 14 of the Public Service Act (chapter F-3.1.1).

If some of Mobilité Infra Québec's activities are discontinued, the employee continues to exercise the employee's functions within Mobilité Infra Québec until the Chair of the Conseil du trésor is able to assign the employee a position in accordance with section 100 of the Public Service Act.

When assigning a position to an employee referred to in this section, the Chair of the Conseil du trésor determines the employee's classification taking into account the criteria set out in the first paragraph of section 98.

**“100.** Subject to remedies available under a collective agreement or provisions standing in lieu of a collective agreement, an employee referred to in section 98 who is dismissed may bring an appeal under section 33 of the Public Service Act (chapter F-3.1.1) if the employee was a public servant with permanent tenure on the date of the employee's transfer to Mobilité Infra Québec.

The same applies in the case of an employee referred to in the second paragraph of section 97. However, an employee referred to in that paragraph who had not completed the probationary period required under section 13 of the Public Service Act before being transferred to Mobilité Infra Québec must successfully complete the remainder of the probationary period within Mobilité Infra Québec before being entitled to bring such an appeal.

**“101.** An association of employees wishing to represent a bargaining unit of Mobilité Infra Québec provided for in section 53 must file a petition for certification with the Administrative Labour Tribunal within 30 days after the first transfer of an employee under section 96 or after the first hire, for each class of employment.

After that date, the Administrative Labour Tribunal proceeds as follows:

(1) if the Tribunal concludes that no petition for certification complying with the Labour Code (chapter C-27) was filed for a particular class of personnel, the employees of that class remain unrepresented until, if applicable, an association files a petition that complies with section 25 of the Labour Code;

(2) if the Tribunal concludes that the petitioning association of employees is the only association to have filed a petition to represent the employees to be included in the bargaining unit, it certifies the association, indicating the class of personnel included in the new bargaining unit; or

(3) if the Tribunal concludes that there is more than one association of employees petitioning to represent the employees to be included in a bargaining unit, it orders the holding of a vote for the employees of the bargaining unit and certifies the association of employees that obtains the greatest number of votes, indicating the class of personnel included in the new bargaining unit.

At the end of the process, the certifications that do not comply with sections 53 and 54 are revoked.

**“102.** Despite section 31 of the Public Infrastructure Act (chapter I-8.3), amended by section 80 of this Act, a public transport infrastructure project considered major that is managed by the Société québécoise des infrastructures under the Public Infrastructure Act on the date of coming into force of that section remains under the Société’s management during the carrying out stage of the project.

In the case of a public transport infrastructure project considered major for which the Société québécoise des infrastructures works with a public body under the Public Infrastructure Act on the date of coming into force of section 80 of this Act, the Société continues to work with the public body during the carrying out stage of the project.

Despite the first and second paragraphs, the Conseil du trésor may decide that the Société québécoise des infrastructures will no longer manage a project or work with a body.

**“103.** Not later than five years after the coming into force of section 1, the Minister must report to the Government on the implementation of this Act. The report must, in particular, include recommendations concerning a review of the mission and functions of Mobilité Infra Québec.

The report contains an assessment of the effectiveness and performance of Mobilité Infra Québec.

The report must be tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

**“104.** The Minister of Transport is responsible for the administration of this Act.”

## CHAPTER II

### AMENDING PROVISIONS RELATING TO SHARED TRANSPORTATION

#### ACT RESPECTING THE AUTORITÉ RÉGIONALE DE TRANSPORT MÉTROPOLITAIN

**2.** The Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3) is amended by inserting the following section after section 42:

“**42.1.** Division I.1 of Chapter II of Title I of the Act respecting public transit authorities (chapter S-30.01) applies, with the necessary modifications, to the Authority with regard to property designated as being of metropolitan scope under sections 38 and 39.”

**3.** Section 97.5 of the Act is replaced by the following section:

“**97.5.** A by-law made by the Authority under sections 97.2 and 97.3 concerning the transportation dues in respect of the Réseau express métropolitain may not be amended or repealed without the Minister’s approval.”

**4.** Section 97.12 of the Act is amended by adding the following paragraph at the end:

“Except for dues established by a by-law made by the Authority under sections 97.2 and 97.3 concerning the transportation dues in respect of the Réseau express métropolitain, the Authority may, by by-law, determine that a social or community body, other than a business corporation, is exempted from paying the dues.”

#### ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

**5.** The heading of Chapter I.2 of the Act respecting the Ministère des Transports (chapter M-28) is amended by replacing “SUPPORT FOR” by “RESPONSIBILITIES RELATING TO”.

**6.** Sections 12.21.8 and 12.21.9 of the Act are replaced by the following sections:

“**12.21.8.** A shared transportation infrastructure project of the Autorité régionale de transport métropolitain, the Réseau de transport métropolitain, a public transit authority or a municipality that meets the criteria determined by the Conseil du trésor under the second paragraph of section 16 of the Public Infrastructure Act (chapter I-8.3) is under the Minister’s responsibility as regards compliance with Divisions II and III of Chapter II of the Public Infrastructure Act and the resulting measures.



**“12.21.9.** A body referred to in section 12.21.8 remains responsible for the project and must carry it out. However, the body must work and deal with the Minister of Transport in carrying out all operations related to such a project in order to ensure rigorous management of the project at each stage.

Despite the first paragraph, the Conseil du trésor may decide to entrust the responsibility for and the carrying out of the project to the Minister. The body and the Minister may also agree to entrust the responsibility for and the carrying out of the project to the Minister.

When the shared transportation infrastructure project mainly concerns a building, the Minister of Transport must work with the Société québécoise des infrastructures to comply with Divisions II and III of Chapter II of the Public Infrastructure Act (chapter I-8.3) and the resulting measures.”

## PUBLIC PROTECTOR ACT

**7.** Section 15 of the Public Protector Act (chapter P-32) is amended by adding the following paragraph at the end:

“(11) Mobilité Infra Québec, only when it exercises the power of expropriation provided for in section 8 of the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1).”

## ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN

**8.** Section 6 of the Act respecting the Réseau de transport métropolitain (chapter R-25.01) is amended by inserting the following paragraph after the first paragraph:

“For the purposes of subparagraph 3 of the first paragraph, incidentally to a shared transportation infrastructure project and in order to promote the development of the spaces near the buildings or civil engineering structures, the Network may, with the authorization of the Government and on the conditions the Government may determine,

(1) sell an immovable or part of an immovable that the Network no longer intends to use and that was acquired for the project; or

(2) lay out an immovable or a civil engineering structure to support or accommodate a building or an underground structure that a third person could build, within the limits provided for by law.”

**9.** The Act is amended by inserting the following sections after section 8:

**“8.1.** The Network may, with the Government’s authorization and on the conditions determined by the latter, become a special partner within a limited partnership or a shareholder of a business corporation with a third person for the carrying out of a project to build an immovable property.

When acting as a special partner in a limited partnership constituted under the first paragraph, the Network must not give opinions other than advisory opinions regarding the management of the partnership. It may not negotiate any business on behalf of the partnership or act as mandatary or agent for the partnership or allow its name to be used in any act of the partnership.

The Network may acquire or establish a subsidiary to act as substitute special partner or shareholder for the Network with regard to the carrying out of a construction project referred to in the first paragraph. The Network may, with the Government’s authorization, gratuitously transfer to that subsidiary the rights on the immovable that are necessary for carrying out the project.

A legal person or a partnership that is controlled by the Network is a subsidiary of the latter.

For the purposes of the fourth paragraph,

(1) a legal person is controlled by the Network when the latter holds, directly or through legal persons it controls, all the voting rights attached to the equity securities of the legal person or is in a position to elect all of the legal person’s directors;

(2) a partnership is controlled by the Network when the latter holds, directly and through legal persons it controls, all the shares. However, a limited partnership is controlled by the Network when the latter or a partnership or legal person it controls is, directly or indirectly, the general partner of the partnership.

**“8.2.** In order for the Network to obtain the authorization referred to in the first paragraph of section 8.1, the construction project must, in particular, meet the following conditions:

(1) the immovable property to be built must be adjacent to an immovable, or part of an immovable, that is not necessary for a shared transportation infrastructure, already existing or to be built, and that is owned by the Network or one of its subsidiaries;

(2) the project is carried out independently of any project to build, rebuild or repair a shared transportation infrastructure other than a layout made in accordance with section 8.5;

(3) the Network or its subsidiary provides no financing or suretyship for the carrying out of the project; its contribution to the limited partnership or business corporation in charge of carrying out the project is limited to the transfer of rights on the immovable, or part of an immovable, referred to in paragraph 1.

**“8.3.** For the purpose of carrying out a construction project referred to in the first paragraph of section 8.1, a subsidiary of the Network may, on the conditions determined by the Government, constitute any other business corporation with the third person referred to in that paragraph in order to take part in the project’s management.

The subsidiary may not provide any financing or suretyship to a business corporation constituted under the first paragraph, its contribution being restricted to the payment of the subscription price, which may not exceed \$100, for shares in the business corporation.

No officer or director of the Network may be an officer or a director of the business corporation constituted under the first paragraph.

**“8.4.** Despite section 9, the third person with which the Network or its subsidiary may become a partner within a limited partnership or a shareholder of a business corporation for the carrying out of a construction project under the first paragraph of section 8.1 is selected by means of a public call for projects in accordance with the terms and on the basis of the criteria determined by the Government.

The criteria determined by the Government under the first paragraph must include high standards of integrity.

Where the owner of an immovable contiguous to the immovable on which the shared transportation infrastructure is situated wishes to carry out a construction project under the first paragraph of section 8.1, the Government may forego the call for projects, provided that the following conditions are met:

- (1) the owner has sufficient expertise for that type of project;
- (2) the owner meets high standards of integrity; and
- (3) a call for projects would not serve the public interest.

**“8.5.** Where a shared transportation infrastructure must be laid out so that it can support or receive a building or an underground structure as part of the carrying out of a construction project authorized under the first paragraph of section 8.1, the Network may accept a mandate from the limited partnership or business corporation in charge of carrying out the project in order for the latter to obtain supplies or services or have construction work performed in connection with that layout.

The costs and risks related to a layout made under the first paragraph must not be borne by the Network.

**“8.6.** For the purposes of the first paragraph of section 8.1, the Network or its subsidiary and the third person must enter into a contract of limited partnership or a unanimous shareholder agreement, as applicable, specifying, in particular,

- (1) the method of distributing the revenues generated by the immovable property built as part of the project;
- (2) the scope, budget and calendar of the construction project;
- (3) the rules of internal management; and
- (4) a dispute settlement mechanism.

**“8.7.** Despite any contrary provision of this Act,

(1) an immovable or part of an immovable may not be acquired by expropriation if it is deemed necessary solely for the purposes of a project to build an immovable property referred to in the first paragraph of section 8.1; and

(2) the revenues that the Network or its subsidiary may derive from the immovable property built under the first paragraph of section 8.1 must be invested to build and maintain shared transportation infrastructure assets or to acquire and maintain shared transportation equipment under its responsibility, on the conditions determined by the Government.”

**10.** Section 9 of the Act is amended by adding the following paragraph at the end:

“The Network has all the powers of a legal person to carry on any other commercial activity related to its enterprise that provides shared transportation services.”

**11.** Section 36 of the Act is amended

- (1) in the first paragraph,
  - (a) by replacing “the following committees” in the introductory clause by “a committee responsible for”;
  - (b) by replacing “a user services quality committee with regard to shared transportation services, whose functions include formulating, submitting to the board and following” in subparagraph 1 by “the quality of the services provided to users of shared transportation services to, in particular, formulate, submit to the board and follow”;

(c) by replacing “two committees on public bus transportation services and paratransit services for mobility impaired persons, one for the local municipalities of the North Shore and the other for those of the South Shore, whose functions include formulating” in subparagraph 2 by “public bus transportation services and paratransit services for mobility impaired persons to, in particular, formulate”;

(2) by striking out the second paragraph.

**12.** Section 68 of the Act is amended by replacing subparagraph *d* of subparagraph 1 of the second paragraph by the following subparagraph:

“(d) the report of the committee responsible for the quality of the services provided to users of shared transportation services, public bus transportation services and paratransit services for mobility impaired persons on the discharge of the part of its mandate that concerns public bus transportation services and paratransit services for mobility impaired persons;”.

#### ACT RESPECTING THE RÉSEAU STRUCTURANT DE TRANSPORT EN COMMUN DE LA VILLE DE QUÉBEC

**13.** Section 1 of the Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03) is amended by replacing the first paragraph by the following paragraph:

“The purpose of this Act is to allow the carrying out of the Réseau structurant de transport en commun de la Ville de Québec (Network), that is, a tramway project between the Le Gendre and Charlesbourg sectors, linking the Sainte-Foy, Université Laval, Parliament Hill and Saint-Roch hubs and including a connection to the D’Estimauville sector, and a rapid bus or minibus service.”

**14.** Section 2 of the Act is replaced by the following section:

**“2.** Despite section 3 of the Act respecting public transit authorities (chapter S-30.01), the Network project is carried out by Ville de Québec, CDPQ Infra inc. as the wholly-owned subsidiary of the Caisse de dépôt et placement du Québec and the Minister.

The Minister must enter into implementation agreements concerning the Network project with those bodies, which must, in particular, specify

(1) the responsibilities relating to the Network project and the replacement of a body where that body is unable to fulfil its responsibilities;

(2) the financial responsibilities relating to the project; and

(3) the ownership of the infrastructures built as part of the project and the transfer of ownership, subject to the provisions of chapters III and IV.

In the course of carrying out the Network project and in keeping with the agreements entered into under the second paragraph, the responsible body may acquire any property required for the construction and operation of the Network and build any accessory works. It may also dig a tunnel under any immovable, regardless of its owner, provided that the body may acquire property by expropriation for the carrying out of the Network project.

For the purposes of this Act, a reference to CDPQ Infra inc. is also a reference to a wholly-owned subsidiary or a limited partnership constituted by a single general partner and a single special partner each of which is a wholly-owned subsidiary. Such a limited partnership is considered to be a mandatary of the State if the purpose of its activity is to carry out the Network project.

“Wholly-owned subsidiary” means a legal person all of whose voting shares are held directly or indirectly by CDPQ Infra inc. or the Caisse de dépôt et placement du Québec.”

**15.** Section 3 of the Act is amended

- (1) by striking out “made by Ville de Québec” and “by Ville de Québec”;
- (2) by inserting “by the body responsible for the decision under section 2” at the end.

**16.** Section 4 of the Act is replaced by the following section:

“**4.** The rules governing the tendering processes and the performance of contracts for contracts that derive, under section 2, from the responsibilities of CDPQ Infra inc. are those that are applicable to that body, despite any contrary provision.

This section applies despite the Act respecting contracting by public bodies (chapter C-65.1).”

**17.** Section 5 of the Act is amended, in the first paragraph,

- (1) by striking out “Ville de Québec must, in”;
- (2) by replacing “vehicles,” by “vehicles must”;
- (3) by replacing “Ville de Québec may” by “The contract may”.

**18.** Section 6 of the Act is amended by replacing “Ville de Québec” and “in connection with the Network” by “the bodies responsible for carrying out the Network project under section 2” and “necessary for the Network project”, respectively.

**19.** The heading of Division I of Chapter III of the Act is replaced by the following heading:

“POWER OF EXPROPRIATION AND TRANSFERS OF OWNERSHIP OF IMMOVABLES”.

**20.** Section 7 of the Act is amended by striking out the second and third paragraphs.

**21.** Sections 8 and 9 of the Act are repealed.

**22.** Section 12 of the Act is amended

(1) in the first paragraph,

(a) by inserting “, CDPQ Infra inc.” after “Ville de Québec”;

(b) by striking out “of Ville de Québec”;

(2) by inserting “or CDPQ Infra inc.” after “Ville de Québec” in the third paragraph.

**23.** Section 14 of the Act is amended

(1) in the first paragraph,

(a) by inserting “or CDPQ Infra inc., if applicable,” after “of Ville de Québec”;

(b) by inserting “or CDPQ Infra inc.” after “to which Ville de Québec”;

(2) by inserting “or CDPQ Infra inc.” after “Ville de Québec” in the second paragraph;

(3) by adding the following paragraph at the end:

“The first and second paragraphs apply, with the necessary modifications, to assets transferred to Ville de Québec by CDPQ Infra inc.”

**24.** Section 15 of the Act is amended

(1) by replacing “Ville de Québec,” in the second paragraph by “Ville de Québec or CDPQ Infra inc. as well as”;

(2) by inserting “or CDPQ Infra inc., as applicable,” after both occurrences of “Ville de Québec” in the third paragraph;

(3) by inserting “or CDPQ Infra inc., as applicable,” after “Ville de Québec” in the fourth paragraph.

**25.** Section 22 of the Act is replaced by the following section:

**“22.** The Railway Act (chapter C-14.1) does not apply to the Network.”

**26.** The Act is amended by inserting the following sections after section 22:

**“22.1.** Despite section 31.1 of the Environment Quality Act (chapter Q-2) and section 2 of the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1), the following activities for the Network construction project referred to in section 1 are not subject to the environmental impact assessment and review procedure and need not be subject to an authorization from the Government under section 31.5 of that Act:

(1) any extension toward the Charlesbourg sector of the route connecting the Chaudière sector to the D’Estimauville sector, authorized by Order in Council 655 2022 dated 6 April 2022; and

(2) the construction of a route connecting the Saint-Roch sector to the Charlesbourg sector.

Obtaining a prior authorization from the minister responsible for the environment under section 22 of the Environment Quality Act remains required insofar as the Network project includes one or more activities referred to in that section.

**“22.2.** The authorizations related to the construction of the Network, including those issued under the Environment Quality Act (chapter Q-2), are transferred by operation of law to the body responsible under section 2.

The application of the first paragraph is equivalent to a transfer of authorization completed under section 31.0.2 and, if applicable, section 31.7.5 of the Environment Quality Act and produces the same effects.

All the processes related to obtaining an authorization under that Act are maintained and the body responsible under section 2 replaces the initial applicant by operation of law.

The initial applicant may not take part in judicial proceedings for any claims relating to the expenses incurred to obtain the authorizations transferred under this section.”

**27.** The Act is amended by inserting the following section after section 23:

**“23.1.** Ville de Québec succeeds to the rights and obligations of the Société de transport de Québec for any decision made by the Société regarding the Network project since 1 January 2018.”

**28.** Section 24 of the Act is amended by replacing “Ville de Québec” by “the bodies responsible under section 2”.



## ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**29.** Section 2 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing “in a newspaper distributed in its area of jurisdiction” in the second paragraph by “by any other means accessible to the public in its area of jurisdiction”.

**30.** The Act is amended by inserting the following section after section 4:

**“4.1.** Incidentally to a shared transportation infrastructure project and in order to promote the development of the spaces near the buildings or civil engineering structures, a public transit authority may, with the authorization of the Government and on the conditions the Government may determine,

(1) sell an immovable or part of an immovable that the transit authority no longer intends to use and that was acquired for the project; or

(2) lay out an immovable or a civil engineering structure to support or accommodate a building or an underground structure that a third person could build, within the limits provided for by law.”

**31.** Section 11 of the Act is amended by adding the following sentence at the end of the second paragraph: “One of the two users must also be under 35 years of age at the time of appointment.”

**32.** Section 19 of the Act is amended

(1) by replacing “S’il n’est pas excusé” in the second paragraph in the French text by “Si l’absence de ce membre n’est pas excusée”;

(2) by adding the following paragraphs at the end:

“Despite the second paragraph, the board of directors may decide that a member remains a member if the member is absent for reasons that are serious or beyond the member’s control and the member’s absence causes no serious prejudice to users of transportation services.

A member’s failure to attend meetings due to pregnancy, birth or adoption does not entail the end of the member’s term, provided the failure does not exceed a period of 18 consecutive weeks.”

**33.** Section 26 of the Act is amended by replacing “, within 15 days after the first meeting of the year, cause a notice to be published in a newspaper distributed in the transit authority’s area of jurisdiction” in the third paragraph by “publish, in accordance with section 60.1 and within 15 days after the first meeting of the year, a notice”.

**34.** Section 33 of the Act is amended

(1) by replacing “a prior notice of the holding of each regular meeting of the board of directors in a newspaper distributed in the transit authority’s area of jurisdiction” by “a public notice concerning the holding of each regular meeting of the board of directors”;

(2) by inserting “is held” at the end.

**35.** Section 48 of the Act is amended

(1) by replacing “published in a newspaper distributed in its area of jurisdiction” in the first paragraph by “. The transit authority must publish the by-law in accordance with section 60.1”;

(2) by striking out “published in a newspaper distributed in its area of jurisdiction” in the second paragraph.

**36.** Section 53 of the Act is amended

(1) by replacing “in a newspaper distributed in its area of jurisdiction” in the first paragraph by “in accordance with section 60.1”;

(2) by striking out “in a newspaper” in the second paragraph.

**37.** Section 58 of the Act is amended by replacing “a notice of the holding of every meeting of a committee in a newspaper distributed in its area of jurisdiction” in the first paragraph by “, in accordance with section 60.1, a notice concerning the holding of a committee meeting”.

**38.** The Act is amended by inserting the following subdivision after section 60:

“§8.—*Publication of a document*

“**60.1.** A notice or any other document may be published on the transit authority’s website or in a newspaper distributed in the transit authority’s area of jurisdiction.”

**39.** Section 79 of the Act is amended by replacing “of its publication in a newspaper distributed in the transit authority’s area of jurisdiction” in the first paragraph by “it is published in accordance with section 60.1”.

**40.** Section 90 of the Act is amended by replacing “in a newspaper distributed in the transit authority’s area of jurisdiction” in the second paragraph by “in accordance with section 60.1”.

**41.** Section 91 of the Act is amended by replacing “in a newspaper distributed in its area of jurisdiction” in the second paragraph by “in accordance with section 60.1”.

**42.** The Act is amended by inserting the following division after section 92.0.7:

**“DIVISION I.1**

**“POWERS RELATING TO THE CONSTRUCTION OF  
AN IMMOVABLE PROPERTY ADJACENT TO A SHARED  
TRANSPORTATION INFRASTRUCTURE**

**“92.0.8.** A transit authority may, with the Government’s authorization and on the conditions determined by the latter, become a special partner within a limited partnership or a shareholder of a business corporation with a third person for the carrying out of a project to build an immovable property.

When acting as a special partner in a limited partnership constituted under the first paragraph, the transit authority must not give opinions other than advisory opinions regarding the management of the partnership. It may not negotiate any business on behalf of the partnership or act as mandatary or agent for the partnership, or allow its name to be used in any act of the partnership.

The transit authority may acquire or establish a subsidiary to act as substitute special partner or shareholder for the transit authority with regard to the carrying out of a construction project referred to in the first paragraph. The transit authority may, with the Government’s authorization, gratuitously transfer to that subsidiary the rights on the immovable that are necessary for carrying out the project.

A legal person or a partnership that is controlled by a transit authority is a subsidiary of the latter.

For the purposes of the fourth paragraph,

(1) a legal person is controlled by a transit authority when the latter holds, directly or through legal persons it controls, all the voting rights attached to the equity securities of the legal person or is in a position to elect all of the legal person’s directors; and

(2) a partnership is controlled by a transit authority when the latter holds, directly and through legal persons it controls, all the shares. However, a limited partnership is controlled by a transit authority when the latter or a partnership or legal person it controls is, directly or indirectly, the general partner of the partnership.

**“92.0.9.** In order for a transit authority to obtain the authorization referred to in the first paragraph of section 92.0.8, the construction project must, in particular, meet the following conditions:

(1) the immovable property to be built must be adjacent to an immovable or part of an immovable that is not necessary for a shared transportation infrastructure, already existing or to be built, and that is owned by the transit authority or one of its subsidiaries;

(2) the project is carried out independently of any project to build, rebuild or repair a shared transportation infrastructure other than a layout made in accordance with section 92.0.12; and

(3) the transit authority or its subsidiary provides no financing or suretyship for the carrying out of the project; its contribution to the limited partnership or business corporation in charge of carrying out the project is limited to the transfer of rights on the immovable, or part of an immovable, referred to in paragraph 1.

**“92.0.10.** For the purpose of carrying out a construction project referred to in the first paragraph of section 92.0.8, a subsidiary of the transit authority may, on the conditions determined by the Government, constitute any other business corporation with the third person referred to in that paragraph in order to take part in the project’s management.

The subsidiary may not provide any financing or suretyship to a business corporation constituted under the first paragraph, its contribution being restricted to the payment of the subscription price, which may not exceed \$100, for shares in the business corporation.

No officer or director of the transit authority may be an officer or a director of the business corporation constituted under the first paragraph.

**“92.0.11.** Despite sections 92.1 to 108.1, the third person with which a transit authority or its subsidiary may become a partner within a limited partnership or a shareholder of a business corporation for the carrying out of a construction project under the first paragraph of section 92.0.8 is selected by means of a public call for projects in accordance with the terms and on the basis of the criteria determined by the Government.

The criteria determined by the Government under the first paragraph must include high standards of integrity.

Where the owner of an immovable contiguous to the immovable on which the shared transportation infrastructure is situated wishes to carry out a construction project under the first paragraph of section 92.0.8, the Government may forego the call for projects, provided that the following conditions are met:

(1) the owner has sufficient expertise for that type of project;

- (2) the owner meets high standards of integrity; and
- (3) a call for projects would not serve the public interest.

**“92.0.12.** Where a shared transportation infrastructure must be laid out so that it can support or receive a building or an underground structure as part of the carrying out of a construction project authorized under the first paragraph of section 92.0.8, the transit authority may accept a mandate from the limited partnership or business corporation in charge of carrying out the project in order for the latter to obtain supplies or services or have construction work performed in connection with that layout.

The costs and risks related to a layout made under the first paragraph must not be borne by the transit authority.

**“92.0.13.** For the purposes of the first paragraph of section 92.0.8, the transit authority or its subsidiary and the third person must enter into a contract of limited partnership or a unanimous shareholder agreement, as applicable, specifying, in particular,

- (1) the method of distributing the revenues generated by the immovable property built as part of the project;
- (2) the scope, budget and calendar of the construction project;
- (3) the rules of internal management; and
- (4) a dispute settlement mechanism.

**“92.0.14.** Despite any contrary provision of this Act,

(1) an immovable or part of an immovable may not be acquired by expropriation if it is deemed necessary solely for the purposes of a project to build an immovable property referred to in the first paragraph of section 92.0.8; and

(2) the revenues that the transit authority or its subsidiary may derive from the immovable property built under the first paragraph of section 92.0.8 must be invested to build and maintain shared transportation infrastructure assets or to acquire and maintain shared transportation equipment under its responsibility, on the conditions determined by the Government.”

**43.** Section 95 of the Act is amended

(1) by replacing “in a newspaper circulated in the transit authority’s area of jurisdiction” in the first paragraph by “in accordance with section 60.1”;

(2) by replacing “in a newspaper circulated in the transit authority’s area of jurisdiction or, if there is no such newspaper,” in subparagraph 1 of the second paragraph by “be published in accordance with section 60.1 or, failing that,”.

**44.** Section 111 of the Act is amended by replacing “twice a year in a newspaper distributed in its area of jurisdiction” by “, twice a year and in accordance with section 60.1,”.

**45.** Section 144 of the Act is amended by replacing “in a newspaper distributed in its area of jurisdiction” in the second paragraph by “in accordance with section 60.1”.

**46.** Section 162.1 of the Act is amended by adding the following paragraph at the end:

“The Société de transport de Québec may enter into a contract with a third person to have the latter supply, in whole or in part, the services the Société de transport de Québec provides in accordance with the first paragraph.”

### **CHAPTER III**

#### **TRANSITIONAL AND FINAL PROVISIONS**

**47.** Every expropriation procedure under the first paragraph of section 7 of the Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03), for which a notice of expropriation has been served in accordance with section 9 of the Act respecting expropriation (chapter E-25) and that is in progress on 4 December 2024, remains governed by the provisions of the Act respecting the Réseau structurant de transport en commun de la Ville de Québec that were applicable to it on that date.

**48.** The Minister must, not later than 5 December 2029, report to the Government on the implementation of sections 2, 9 and 42.

The report must be tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

**49.** This Act comes into force on 5 December 2024.



